REMARKS

Applicants respectfully request reconsideration and allowance.

All claims 1-45 stand rejected based on newly-applied Gomez. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Gomez does not teach all of the features recited in the claims.

Gomez describes a base station 106 connected to communication servers 114, 116, 118 by a corresponding number of communication links 128. If one or more of the links fail, which Gomez states at col. 4, lines 50-52 includes "circuit data circuit" faults, the serving base station uses a base mobile radio 210 to scan one or more neighbor cells 108-113 to determine their current service status. The serving base station broadcasts a fault message along with the updated neighbor cell information to mobile stations 102 in its cell which allows the mobile stations to choose the most appropriate cell for the desired communication activity.

First, Applicants are uncertain what structure in Gomez the Examiner is mapping to the claim feature "each established connection is handled by an associated data processing circuit" recited in claim 1. This is important because the next feature in claim 1 is "detecting a failure in a data processing circuit indicating that the data processing circuit is not functioning and thus can no longer handle established connections." Although Gomez teaches detecting a fault in a communication link between the base station and a communications server, the faults referred to

by Gomez are "faults in a telephone interconnect, dispatch, packet data, and circuit data circuits." Col. 4, lines 50-52. It is not understood how a fault in a communication link between the base station and a communications server is the same as "a failure in a data processing circuit indicating that the data processing circuit is not functioning and thus can no longer handle established connections," where "each established connection is handled by an associated data processing circuit."

Gomez also lacks "identifying one or more established mobile radio subscriber unit connections being handled by the failed data processing circuit" recited in claim 1. In col. 4, line 40-col. 5, line 24 Gomez describes broadcasting a fault message and a neighbor cell list. Neither a fault message or a neighbor cell list identifies an mobile radio subscriber unit connection being handled by a failed data processing circuit. Indeed, the neighbor cell list is a cell of operational base stations that have not failed.

A third missing feature from claim 1 in Gomez is: "sending a message identifying the one or more identified mobile radio subscriber unit connections." Again, the Examiner relies to col. 4, line 40-col. 5, line 24 of Gomez. And again, Gomez's broadcasting a fault message and a neighbor cell list is a message identifying neighboring base stations or cells and not mobile connections affected by the fault.

Lacking multiple features from independent claim 1, the anticipation rejection of claim 1 is improper and should be withdrawn. Similar type distinctions are present for the other independent claims. For example, in claim 15, what device in Gomez corresponds to "each established connection is controlled by an associated data processing *device*"? In claim 23, where does Gomez teach "detecting a failure in a data processor device in a node where the

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failed data processing device is no longer functional and thus can no longer control any established connections"?

Many dependent claim features are also missing. For example, claim 6 recites "generating a list identifying the one or more mobile radio subscriber units and one or more mobile radio subscriber unit connections affected by the failed data processing circuit no longer functioning, and wherein the message includes the list." The Examiner refers to col. 3, line 60-col. 4, line 10. But this text deals with a neighbor cell list. That cell list "comprise[s] information such as the cell identification number, what frequency the cell is operating on, and which communication services are provided by the cell, for each neighbor cell detected." Col. 4, lines 5-8. No where in the cell list information are mobile radio subscriber units or mobile radio subscriber unit connections identified—let alone mobile radio subscriber units and connections affected by the failed data processing circuit no longer functioning.

Claim 7 recites "generating a list identifying the one or more mobile radio subscriber units affected by the failed data processing circuit no longer functioning without identifying mobile radio subscriber unit connections, and releasing all subscriber unit connections associated with the one or more mobile radio subscriber units in the list." The Examiner relies on essentially the same subject matter as for claim 6 and col. 2, lines 38-64. Again, the list in Gomez is of operational, neighboring base station cells—not "one or more mobile radio subscriber units affected by the failed data processing circuit."

In claim 3, where does Gomez teach "maintaining one or more mobile radio subscriber connections not determined to be handled by the failed data processing circuit." Once the fault in the link is detected, the serving cell does not maintain mobile connections. See Figure 4 blocks 406, 408, 416, and 412.
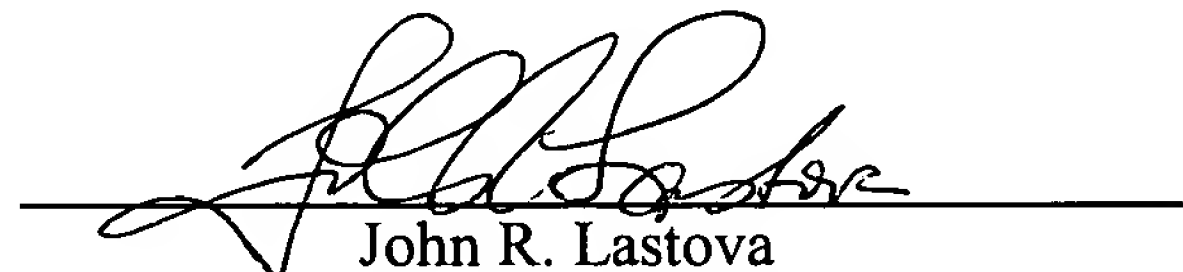
Claims 14 and 15 recite "wherein the message is sent by a radio access network node directed to a core network node" and "wherein the message is sent using an existing control signaling message from a radio network controller node to an SGSN in the core network," respectively. The message in Gomez is broadcast from the serving base station to the mobile radios.

The anticipation rejection of claims 1-45 in Gomez should be withdrawn. The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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